In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 11988 of 2005

Date of Decision: 29.8.2006

Sawan Ram

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab
for the respondents.

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J.S. Khehar, J. (Oral).

Through the instant writ petition, the petitioner claims the grant of one advance increment under the Assured Career Progression Scheme, w.e.f. 2.12.2000. Despite the fact, that the petitioner had submitted a number of representations and also issued a legal notice dated 21.3.2005, the increment claimed by him w.e.f. 2.12.2000, was not granted to him. It is, therefore that the petitioner has filed the instant writ petition, claiming proficiency step up on completion of the prescribed number of years of service on 2.12.2000.

The claim of the petitioner for proficiency step up with

reference to 2.12.2000 has been declined on account of the fact, that at the time the claim of proficiency step up became available to the petitioner, he had been subjected to a charge-sheet dated 17.12.1999, wherein it was proposed to inflict a major penalty on him under the provisions of Punjab Civil Service (Punishment and Appeal) Rules, 1970 (hereinafter referred to as the 1970 Rules).

It is the contention of the learned counsel for the respondents, that the petitioner was inflicted with the punishment of stoppage of one annual increment with cumulative effect, by an order dated 4.5.2004 in furtherance of the charge-sheet dated 17.12.1999. It is also the claim of the respondents, that the punishment inflicted on the petitioner has attained finality as the same is not subject matter of challenge at the hands of the petitioner. On account of the punishment inflicted on the petitioner, it is vehemently contended on behalf of the respondents, that the petitioner was disentitled to claim proficiency step up under the Assured Career Progression Scheme. till the date of his retirement on 31.5.2004.

Having examined the controversy in the background of the facts narrated hereinabove, we are satisfied, that the claim of the petitioner for proficiency step up would be subject to the outcome of the charge-sheet issued to him on 17.12.1999 (specially on account of the fact, that the aforesaid claim matured for consideration with reference to 2.12.2000). Since the petitioner was inflicted with a major punishment under the 1970 Rules, vide an order dated 4.5.2004, it is apparent, that the petitioner cannot be deemed to have rendered continuous service with good conduct, which is a condition precedent for the grant of an advance increment under the Assured Career Progression Scheme. Well before the imposition of the

punishment on 4.5.2004, the petitioner retired on attaining the age of superannuation on 31.5.2004, and as such, we are satisfied, that the petitioner remained disentitled to the award of an advance increment under the Assured Career Progression Scheme from 2.12.2000 till the date of his retirement on 31.5.2004.

In view of the above, we find no merit in this petition. The same is, accordingly, dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

29.08.2006
sk.